

REMARKS

The Examiner is thanked for the Official Action of June 9th, 2004. This request for reconsideration is intended to be fully responsive thereto.

CURRENT AMENDMENT

ELECTION/RESTRICTION

Claims 7 and 8 have been cancelled as non-elected claims in order to provide a complete reply to the final rejection.

REJECTION UNDER 35 U.S.C. 112

Claim 10 was rejected because the Examiner stated that it was a claimed recitation of a use without setting forth any steps involved in the process. Therefore, Claim 10 has been amended to read "The method for manufacturing an electrode structure according to claim 1, wherein the electrode structure is ~~used for the formation of~~ inserted in a battery component." This amendment clearly sets forth a step of inserting the electrode structure into a battery and this amendment is sufficient to overcome the § 112 rejection by the Examiner. No new matter has been added.

REJECTIONS UNDER 35 U.S.C. 103(a)

The Examiner states that Claims 1, 3, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,462,820 (hereinafter Tanaka). The Examiner states that the difference between Claim 1 of the present invention and Tanaka is the scope of the ranges of the speed of the air and temperature of the air. The Examiner further states that a prima facie rejection is properly established because the difference between a claimed invention and the prior art is the range or value of a particular variable and that range is minor. Applicant again submits that the range is NOT minor as is shown and described in the attached declaration of the Applicant and the specification of the current

invention.

The Examiner further states that where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists, and that generally, differences in ranges will not support patentability of subject matter encompassed by the prior art unless there is evidence indicating such ranges is critical.

In brief, it appears that the Examiner argues that the range value is minor and secondly that there is no evidence of criticality of the presently claimed range. The Examiner states that there is still no clear evidence to support the Applicant's previous arguments that shows that the claimed range of the present invention achieves unexpected results relative to the prior art range. Therefore, Applicant attaches hereto a Statement clearly showing the Inventor's position in the field of art, the Applicant's qualifications in the field of art, evidence of unexpected results relative to the prior art range and the criticality of using the much narrower ranges claimed. All support for Applicant's argument are clearly conveyed by Applicant in the attached statement and are described and shown in the Specification of the present application in both text and tabular format.

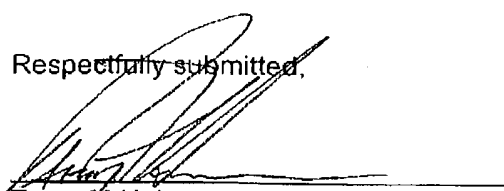
ALLOWABLE SUBJECT MATTER

Examiner is thanked for the notice of allowable subject matter in Claim 11. However, Applicant has shown that all claims are allowable and therefore it is unnecessary to rewrite Claim 11 in independent form.

CONCLUSION

Because of the previous and current arguments that clearly show an overly broad range in the prior art and the criticality of the claimed range; and because of the unexpected results and advantages of the current invention; and because of the detailed explanation of these results and how they were achieved, as set forth in the specification and the attached Applicant Declaration, any rejections regarding the claims of the subject application are improper. Therefore, Applicant respectfully submits that claims 1, 3, 4, 9, 10 and 11 are now in condition for allowance and notice to that effect is requested.

Respectfully submitted,



Tracy M Helms
Reg.# 53,010

Apex Juris, pllc
13194 Edgewater Lane Northeast
Seattle, Washington 98125
Email: tracy@apexjuris.com
Tel: 206-664-0314
Fax: 206-664-0329